



2017 ASSEMBLY BILL 298

May 4, 2017 - Introduced by Representatives OHNSTAD, MASON, C. TAYLOR, ANDERSON, BERCEAU, BILLINGS, BOWEN, CROWLEY, GOYKE, KESSLER, KOLSTE, POPE, RIEMER, SARGENT, SINICKI, SPREITZER, SUBECK, WACHS, YOUNG, ZAMARRIPA and ZEPNICK, cosponsored by Senators JOHNSON, C. LARSON, CARPENTER, MILLER, RISSER and WIRCH. Referred to Committee on Energy and Utilities.

- 1 **AN ACT to create** 48.654, 48.67 (6), 49.155 (1d) (ar) and 281.17 (11) of the statutes;
2 **relating to:** testing for lead in drinking water in buildings used for child care
3 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires child care centers and child care providers to test for lead in drinking water and to provide potable water if lead contamination is found in order to obtain, renew, or continue a child care center license or child care provider certification.

Under current law, no person may for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day unless that person obtains a license to operate a child care center from the Department of Children and Families. To be licensed, current law requires a person to meet the minimum requirements established by DCF. Under current law, a child care center license is valid until revoked or suspended, but must be reviewed every two years.

Current law also requires a person, other than a licensed child care center, to be certified by DCF in order to be eligible to receive payment for providing child care services for an individual who is determined eligible for a Wisconsin Shares child care subsidy. To be certified, current law requires a child care provider to meet minimum requirements established by DCF. Under current rules promulgated by DCF, a child care provider certification is valid for two years unless revoked or suspended, and must be renewed if the provider continues to comply with certification standards.

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This bill adds as a minimum requirement for both a child care center license and a child care provider certification that an applicant for a new, renewal, or continued license or certification (applicant) test drinking water for lead contamination in a building used or to be used for child care within six months before submitting the application. The bill defines lead contamination to be a concentration of lead that is greater than 0.005 mg/L. Testing required under the bill must be done in accordance with rules promulgated by the Department of Natural Resources.

Under the bill, if a test shows lead contamination, the applicant must continue testing as required by DNR, notify parents of children under its care and supervision of the test results that show the contamination, provide safe drinking water to the facility until the contamination is remediated, and provide proof in its application that the applicant has complied with these requirements. At six-month intervals following the issuance, renewal, or continuation of the license or certification, the applicant must demonstrate to DCF that it remains in compliance with these requirements until a test result shows no lead contamination.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.654 of the statutes is created to read:

2 **48.654 Testing for lead in drinking water.** (1) In this section, “lead
3 contamination” means a concentration of lead that is greater than 0.005 mg/L.

4 (2) Each applicant for a new or continued license to operate a child care center
5 under s. 48.65 or for a new or renewed certification under s. 48.651 shall, no sooner
6 than 6 months prior to submitting the application, test the drinking water at the
7 building to be used as a child care center to monitor for lead contamination. The
8 applicant shall submit the test results to the appropriate licensing or certifying
9 authority along with the application.

10 (3) An applicant for a new or continued license under s. 48.65 or for a new or
11 renewed certification under s. 48.651 shall ensure that the testing required under
12 sub. (2) is done in accordance with rules promulgated by the department of natural
13 resources.

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1 (4) If a test under sub. (2) shows that there is lead contamination in the
2 drinking water at a building used or to be used for child care, the applicant for a new
3 or continued license under s. 48.65 or for a new or renewed certification under s.
4 48.651 shall do all of the following:

5 (a) Continue testing the water in accordance with rules promulgated by the
6 department of natural resources until the test results show no lead contamination.

7 (b) Until testing required under par. (a) shows no lead contamination, provide
8 the facility with an adequate supply of potable water or, for an applicant for a new
9 license under s. 48.65 or a new certification under s. 48.651, demonstrate a plan to
10 provide the facility with an adequate supply of potable water if licensed or certified.

11 (c) Provide each parent or guardian of a child under its care and supervision
12 with written notification of the test results.

13 (d) Post the test results on its Internet site, if one is maintained.

14 (e) Submit along with its application proof that it is compliant with pars. (a)
15 to (d).

16 (f) At 6-month intervals following the date the license or certification is
17 granted, continued, or renewed, demonstrate to the appropriate licensing or
18 certifying authority continued compliance with pars. (a) to (d), including the most
19 recent test results under par. (a). No further demonstration under this paragraph
20 is required following submittal of a test result showing no lead contamination.

21 **SECTION 2.** 48.67 (6) of the statutes is created to read:

22 48.67 (6) That all child care centers licensed under s. 48.65 comply with s.
23 48.654.

24 **SECTION 3.** 49.155 (1d) (ar) of the statutes is created to read:

